

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Nanci E. Langley, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Robert G. Taub

Complaint of American Postal Workers  
Union, AFL-CIO

Docket No. C2012-2

ORDER ON APWU MOTION FOR ENLARGEMENT OF TIME  
TO RESPOND TO MOTION TO DISMISS

(Issued July 9, 2012)

Commission rules require a complainant to file a response to a dispositive motion within 7 days of the motion's filing. See 39 CFR 3001.21(b). In the instant Complaint, a Motion of the United States Postal Service to Dismiss Complaint was filed July 2, 2012 (Motion to Dismiss). This means that the answer of the American Postal Workers Union, AFL-CIO (APWU) is due July 9, 2012. APWU seeks additional time to file its answer on grounds that issues raised in the Motion to Dismiss cannot be addressed within the standard period due to APWU's limited resources and its filing obligations in other pending dockets.<sup>1</sup>

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<sup>1</sup> American Postal Workers Union, AFL-CIO, Motion for Enlargement of Time to Respond to USPS Motion to Dismiss Complaint, July 6, 2012 at 2-3 (APWU Motion).

Complainant APWU was aware of the pending dockets and of the Postal Service's option to file a dispositive motion prior to a formal answer. In addition, the issues raised in the Motion to Dismiss, while important, involve questions that APWU, as an experienced participant in postal legislative and regulatory matters, is well-positioned to address.<sup>2</sup> Finally, the Commission has 90 days to evaluate the complaint and answer to determine whether material issues of fact or law are present. This limit places practical constraints on the Commission's ability and willingness to grant extensions of time. See 39 CFR 3030.30.

Based on these factors, the Commission grants the APWU Motion in part. The APWU's answer to the Motion to Dismiss is due July 12, 2012.

*It is ordered:*

APWU's answer to the Motion to Dismiss is due no later than July 12, 2012.

By the Commission.

Shoshana M. Grove  
Secretary

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<sup>2</sup> Some of these issues were addressed in the pleadings associated with American Postal Workers Union, AFL-CIO, Motion for an Emergency Order, June 13, 2012.